

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

S.B.,)
)
)
Plaintiff,)
)
)
v.) 1:19CV1042
)
)
CORNERSTONE CHARTER)
ACADEMY,)
)
Defendant.)

ORDER

On November 15, 2021, the United States Magistrate Judge=s Recommendation was filed, and notice was served on the Parties pursuant to 28 U.S.C. § 636. Defendant filed objections, (ECF No. 45), within the time limit prescribed by § 636, and Plaintiff responded, (ECF No. 46). The Court has reviewed Defendant's objections *de novo* and finds that they do not change the substance of the United States Magistrate Judge's Recommendation, (ECF No. 43), which is affirmed and adopted. *See also Johnson v. Charlotte-Mecklenburg Sch. Bd. of Educ.*, ___ F.4th ___, 2021 WL 5997242, *6 (4th Cir. Dec. 20, 2021) (“An action filed in federal district court under the IDEA, however, is an original civil action, not an appeal from a state administrative agency. . . District courts conduct a modified *de novo* review, giving due weight to the underlying administrative proceedings, but are empowered to receive and consider evidence outside the administrative record. . . As we explained in our decision in *Kirkpatrick*, a district court does not simply affirm, reverse, or vacate the decision of the state administrative agency. Instead, it offers its own independent *de novo* review and conclusion. If the district

court fashions a different remedy, that remedy is imposed by the district court itself as an enforceable order.” (internal citations and quotations omitted)).

IT IS THEREFORE ORDERED that Defendant’s Motion to Certify Interlocutory Appeal, (ECF No. 37), is DENIED.

This, the 11th day of January 2022.

/s/ Loretta C. Biggs
United States District Judge